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NOV - 6 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**Name HOPKINS, KEITH E.  
(Last) (First) (Initial)Prisoner Number F-38525Institutional Address CMF, P.O. Box 2000, Vacaville, CA. 95696  
California Medical Facility, Vacaville, CA.**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**KEITH E. HOPKINS

(Enter the full name of plaintiff in this action.)

vs.

Suzan L. Hubbard

(Warden of Cal. Med. Facility

Vacaville, CA.)

(Enter the full name of respondent(s) or jailor in this action)

CV 07

5624

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)**PETITION FOR A WRIT  
OF HABEAS CORPUS**

(PR)

E-filing

**Read Comments Carefully Before Filing In****When and Where to File**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

007-624 JF

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or  
3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which  
4 you are imprisoned or by whom you were convicted and sentenced. These are not proper  
5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief  
7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose  
8 custody you are now and the Attorney General of the state in which the judgment you seek to attack  
9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition? Current Sentence.

12 (a) Name and location of court that imposed sentence (for example; Alameda  
13 County Superior Court, Oakland):

14 Napa County Superior Court, Napa California.

15 Court

Location

16 (b) Case number, if known CR-128767

17 (c) Date and terms of sentence 08/24/2006 to 8/25/2010

18 (d) Are you now in custody serving this term? (Custody means being in jail, on  
19 parole or probation, etc.) Yes X No       

20 Where?

21 Name of Institution: California Medical Facility

22 Address: P.O. Box 2000, Vacaville, CA. 95696

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for  
24 more than one crime, list each crime separately using Penal Code numbers if known. If you are  
25 challenging more than one sentence, you should file a different petition for each sentence.)

26 2 Counts of: P.C. §288 (a).

3. Did you have any of the following?

Arraignment: Yes X No       

Preliminary Hearing: Yes X No       

Motion to Suppress: Yes X No       

4. How did you plead?

Guilty        Not Guilty        Nolo Contendere X

Any other plea (specify) NO

5. If you went to trial, what kind of trial did you have?

Jury        Judge alone        Judge alone on a transcript       

6. Did you testify at your trial? Yes        No       

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes X No       

(b) Preliminary hearing Yes X No       

(c) Time of plea Yes X No       

(d) Trial Yes        No       

(e) Sentencing Yes X No       

(f) Appeal Yes X No       

(g) Other post-conviction proceeding Yes X No       

8. Did you appeal your conviction? Yes X No       

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes X No       

Year: 06/22/2007 Result: Affirmed

Supreme Court of California Yes X No       

Year: 08/29/2007 Result: Petition for review Denied.

Any other court Yes        No X

Year:        Result:       

(b) If you appealed, were the grounds the same as those that you are raising in this

petition? Yes X No       

(c) Was there an opinion? Yes \_\_\_\_\_ No X

(d) Did you seek permission to file a late appeal under Rule 31(a)?

Yes \_\_\_\_\_ No X

If you did, give the name of the court and the result:

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes X No       

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

1. Name of Court: California Supreme Court

Type of Proceeding: Petition for Review

**Grounds raised (Be brief but specific):**

a. Denial of Due Process Rights under the XIV Amend.

To U.S. Constitution when Trial Court Failed to

Conduct Competency Hearing.

Result: Review Denied. Date of Result: 08/29/2007

II. Name of Court: \_\_\_\_\_

Type of Proceeding: \_\_\_\_\_

Grounds raised (Be brief but specific): --

1 a. \_\_\_\_\_  
2 b. \_\_\_\_\_  
3 c. \_\_\_\_\_  
4 d. \_\_\_\_\_  
5 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

6 III. Name of Court: \_\_\_\_\_  
7 Type of Proceeding: \_\_\_\_\_  
8 Grounds raised (Be brief but specific):  
9 a. \_\_\_\_\_  
10 b. \_\_\_\_\_  
11 c. \_\_\_\_\_  
12 d. \_\_\_\_\_  
13 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

14 IV. Name of Court: \_\_\_\_\_  
15 Type of Proceeding: \_\_\_\_\_  
16 Grounds raised (Be brief but specific):  
17 a. \_\_\_\_\_  
18 b. \_\_\_\_\_  
19 c. \_\_\_\_\_  
20 d. \_\_\_\_\_  
21 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes \_\_\_\_\_ No X \_\_\_\_\_

24 Name and location of court: \_\_\_\_\_

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
27 support each claim. For example, what legal right or privilege were you denied? What happened?  
28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: PETITIONER WAS DENIED DUE PROCESS UNDER THE FOURTEENTH  
6 AMENDMENT TO THE UNITED STATES CONSTITUTION WHEN THE TRIAL COURT  
7 WAS CONFRONTED WITH SUBSTANTIAL EVIDENCE OF INCOMPETENCE, AND  
8 FAILED TO CONDUCT A COMPETENCY HEARING.

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12  
13 Supporting Facts: The trial court read and considered the probation  
14 report. (See Court Transcripts, CT 43.) Contained within the  
15 probation report was the following: "Mental Health Issues: Yes,"  
16 and "Diagnosis: Mentally Incompetent." (CT. 40.) The trial court,  
17 though, did not declare a doubt, nor did the court suspend pro-  
18 ceedings. The court however, did erroneously sentence petitioner  
19 to five years in state prison.

20 Petitioner has evidence, and can show through Mental Health  
21 records that he has a severe Mental Disorder/Disability, as well as,  
22 Developmental Disability.

23 If any of these grounds was not previously presented to any other court, state briefly which  
24 grounds were not presented and why:

25 All grounds have been exhausted in State Courts.  
26  
27  
28

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
 2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
 3 of these cases:

4 Pate v. Robinson (1966) 383 U.S. 375, 377; Oke v. Oklahoma,  
 5 (1985) 470 U.S. 68, 83; Blazak v. Ricketts (9th Cir. 1993) 1F.  
 6 3d 891, 894; Torres v. Prunty (9th Cir. 2000) 223 F.3d 1103, 09.

7 Do you have an attorney for this petition? Yes \_\_\_\_\_ No X

8 If you do, give the name and address of your attorney:  
 9 \_\_\_\_\_

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
 11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12  
 13 Executed on 10-7-07  
 14 Date

Keith Hopkins  
 Signature of Petitioner

15  
 16  
 17  
 18  
 19  
 20 (Rev. 6/02)

Court of Appeal, First Appellate District, Div. 5 - No. A115150  
**S154785**

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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THE PEOPLE, Plaintiff and Respondent,

v.

KEITH EDWARD HOPKINS, Defendant and Appellant.

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The petition for review is denied.

SUPREME COURT  
**FILED**

AUG 29 2007

Frederick K. Ohlrich Clerk

Deputy

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**GEORGE**

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Chief Justice

**DECLARATION**

I, Cornelius Moore, Declare:

1. I am an inmate housed at California Medical Facility, State Prison, in Vacaville, CA.
2. I have some workable background concerning Law and Legal matters.
3. As an inmate housed here with Mr. Hopkins since 07/08/07, I have gained considerable knowledge regarding the issues pertaining to Mr. Hopkins case.
4. I have worked on Mr. Hopkins case since August 27, 2007, and I have at his request, and with his authorization prepared this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 et seq.
5. The complex facts and matters contained in this petition are more within my knowledge and understanding than his; Mr. Hopkins is incarcerated in a prison and incapable of drafting and fully understanding the contents of this Petition as a result of his developmental disabilities, and his mental deficits.

//

I declare under the penalty of perjury that the foregoing is true. Signed on: 10/7/07

  
Cornelius Moore